

Appl. No.: 10/508,817

Amdt. Dated October 25, 2006

Response to Office Action Mailed July 26, 2006

REMARKS:

Applicant responds as follows to the rejection of claims 1-2 under Section 102(b) as being anticipated by Bourland, U.S. Pat. No. 2,209,725, and the rejection of claims 1-3 and 7 under Section 102(b) as being anticipated by Curtis, U.S. Pat. No. 607,221.

The invention as set forth in claim 1 provides a transition rail for the connection of rails having different rail cross sections. The claimed transition rail is designed to establish a transition from a first cross-sectional rail profile having a larger profile height and a first rail foot profile, to a second cross-sectional profile having a smaller profile height and a second rail foot profile. In order to establish such transition, the profile height and the rail foot profile have to be adapted or adjusted. According to the claimed invention the required adaptations are carried out separately in spatially separated transition zones, whereby the profile height is reduced only in a first transition zone, and the rail foot profile is adapted only in a spatially separated second transition zone (see spec. p. 2, lines 26-30). Thus, in a first transition zone, a larger height cross-sectional profile is reshaped to transition into a smaller profile height, while the profile of the rail foot is kept constant. In a second transition zone, the rail foot profile is worked to match a new profile of a consecutive rail foot, while the profile height is kept constant.

Bourland discloses a transition rail where the profile height and the rail foot profile of the rail (R) is adjusted to the profile height and the rail foot profile of a second rail (r). As can best be seen from the top view according to FIG. 2 of Bourland, the width of the rail foot profile continuously tapers from the larger rail foot width of the rail (R) to the smaller rail foot width of

the rail (r). As can best seen from the side view according to FIG. 3 of Bourland, the profile height of the rail is adapted from the larger height of the rail (R) to a smaller height of the rail (r) in a transition zone that has been denoted by the examiner as "c" in Exhibit A to the Office Action. However, because there is a constant change of the rail foot width over the entire length of the transition rail, the transition rail of Bourland does not comprise two separate transition zones whereby in a first transition zone only the profile height is adapted while the rail foot profile is kept constant, and in a second transition zone only the rail foot profile is adapted while the profile height is kept constant. Thus, Bourland does not disclose the transition rail as defined in amended claim 1 herein.

Curtis discloses a transition rail having a single transition zone, which has been denoted by the examiner as "c" in Exhibit B to the Office Action. In this transition zone "c" there is an adjustment of both the width of the rail foot and the height of the rail cross-section. Curtis does not disclose two separate transition zones, whereby only the profile height is adapted in a first transition zone while the rail foot profile is kept constant, and only the rail foot profile is adapted while the profile height is kept constant in a second transition zone. Thus, Curtis' disclosure is not pertinent to the instant invention as defined in amended claim 1 herein.

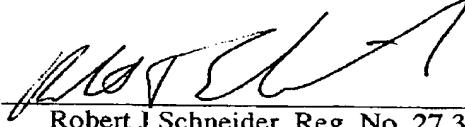
Therefore, it is respectfully submitted that the instant invention as claimed is anticipated neither by Bourland nor by Curtis. It is further submitted that this application is in condition for prompt allowance and that all of the requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

Extension Request and Fee Authorization. The Commissioner is hereby authorized to charge any fees associated with this communication, including any necessary fees under 37 CFR § 1.17(a) for any necessary extensions of time under 37 CFR §1.136(a), which are hereby requested, to our Deposit Account No. 50-0305.

The Examiner is encouraged to call the attorneys for Applicant(s) at the direct number (312) 845-3919 with any questions that arise in connection with this application.

Respectfully submitted,

By:


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Date: October 25, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

Attorney Docket Number: 1716026

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I hereby certify that the attached correspondence, namely: Response to Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: 

Typed Name of Person Signing this Certificate: Robert J. Schneider, Reg. No. 27,383

Date of Signature: October 25, 2006